

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BERNARD KELLY, #526389,

Petitioner,

v.

Case No. 1:12-CV-11005
Honorable Thomas L. Ludington

KENNETH ROMANOWSKI,

Respondent.

ORDER DENYING PETITIONER'S APPLICATION
FOR APPOINTMENT OF COUNSEL

This matter is before the Court on Petitioner Bernard Kelly's motion for appointment of counsel. In support of his request, Petitioner alleges that he is unable to afford counsel, that he is untrained in the law, and that the issues in his case are complex. Petitioner has submitted his habeas petition, but the respondent has not yet filed an answer to the petition or the state court record. Those materials are due on September 11, 2012.

Petitioner has no absolute right to be represented by counsel on federal habeas review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted his petition setting forth his claims, which were previously raised and briefed in the state courts. Neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not

require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); Rules 6(a) and 8(c) of the Rules Governing § 2254 Cases.

Accordingly, Petitioner's application for appointment of counsel (ECF No. 3) is **DENIED**. The Court will bear in mind the request if, upon further review of the pleadings and state court record, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 30, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means and on Bernard Kelly, #526389, Macomb Correction Facility, 34625 26 Mile Road, New Haven, MI 48048 by first class U.S. mail on April 30, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS